

**IMPLEMENTATION OF ARTICLE 31 LOCAL RULE NUMBER 2 IN 2012
SIDOARJO DISTRICT OF SUPERVISION AND CONTROL OF THE
ORGANIZATION OF PARKING IN THE DISTRICT SIDOARJO**

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ABSTRAKSI

Swandaru Widyatama, 0910110099, 2014, IMPLEMENTASI PASAL 31 PERATURAN DAERAH NOMOR 2 TAHUN 2012 KABUPATEN SIDOARJO MENGENAI PENGAWASAN DAN PENGENDALIAN TERHADAP PENYELENGGARAAN PARKIR DI KABUPATEN SIDOARJO, Artikel Ilmiah, Hukum Administrasi Negara, Fakultas Hukum, Universitas Brawijaya, Dosen Pembimbing: Dr. Istislam, S.H., M.Hum. dan Lutfi Effendi, S.H., M.Hum., 13 halaman.

Parkir adalah keadaan kendaraan berhenti atau tidak bergerak untuk beberapa saat dan ditinggalkan pengemudinya ditempat parkir. Kabupaten Sidoarjo sebagai salah satu penyangga Ibukota Propinsi Jawa Timur merupakan daerah yang mengalami perkembangan pesat dan mempunyai otonom untuk meningkatkan Pendapatan Asli Daerah. Oleh karena itu dibentuk Peraturan Daerah Kabupaten Sidoarjo Nomor 2 Tahun 2012 tentang Penyelenggaraan Parkir di Kabupaten Sidoarjo dan Peraturan Bupati Sidoarjo Nomor 35 Tahun 2012 tentang Petunjuk Pelaksanaan Peraturan Daerah Kabupaten Sidoarjo Nomor 2 Tahun 2012 Tentang Penyelenggaraan Parkir di Kabupaten Sidoarjo. Dinas Perhubungan Kabupaten Sidoarjo selaku penyelenggara parkir mempunyai tugas pengawasan dan pengendalian parkir. Hal tersebut dilaksanakan untuk menciptakan pelayanan publik yang baik bagi masyarakat Kabupaten Sidoarjo

Kata kunci : Parkir, Pengawasan dan Pengendalian Parkir, Pelayanan Publik

ABSTRACT

Swandaru Widyatama, 0910110099, 2014, IMPLEMENTATION OF ARTICLE 31 LOCAL RULE NUMBER 2 IN 2012 SIDOARJO DISTRICT OF SUPERVISION AND CONTROL OF THE ORGANIZATION OF PARKING IN THE DISTRICT SIDOARJO, Essay, Administrative Law, Faculty of Law, Brawijaya University, Lecturer: Dr. Istislam, S.H., M.Hum. dan Lutfi Effendi, S.H., M.Hum., 13 pages.

Parking is a state in which the vehicle is stopped or does not move for a few moments and the driver left the parking place. Sidoarjo District as one of the buffer Capital City of East Java Province is an area that is experiencing rapid development and has autonomous to increase regional income. Therefore formed Sidoarjo District Regulation No. 2 of 2012 on

the Implementation of parking in Sidoarjo Regent and Regulation No. 35 Year 2012 on Implementation Guidelines Sidoarjo District Regulation No. 2 of 2012 on the Implementation of parking in Sidoarjo. Department of Transportation as the organizer of the parking Sidoarjo District has the task of monitoring and controlling parking. This is done to create a good public service for the people of Sidoarjo District.

Keywords : Parking, Supervision and Control of Parking, Public Service

A. Introduction

Act 1945 is the legal source of all laws and regulations in Indonesia. Act 1945 is the legal basis of the written as well as the position and function of the Act of 1945 is binding for the government, state agencies, and community agencies, or as a citizen of Indonesia. As the basic law, the Constitution of 1945 contains the norms or rules that must be obeyed to and implemented.

As we know that the population in Indonesia is very much and shelter are evenly distributed in different regions, of course, the necessary legislation to regulate an area. In the Act of 1945 also described the Local Government contained in section 18 of the Local Government. In Article 18, paragraph 5 reads *"The governance of running autonomy, except in matters of government by law be the affairs of the Central Government"*. In addition, also contained in article 18 paragraph 6 which reads *"The regional governments have the right set of local regulations and other regulations to implement autonomy and assistance"*.

As one form of implementation of regional autonomy is giving sources of revenue for the area that can be extracted and used in accordance with their own individual potential. The sources of revenue can be a tax or retribution. In accordance with the mandate of the Act of 1945, any levy burden on society in the form of tax or retribution should be regulated by law. Until now, tax collection and retribution still a mainstay to each province for the enhancement of the original income¹.

One example of the creation of new taxes and retribution by the region is the existence of a new form of parking retribution a subscription that already exist in several cities in East Java. An example is in Sidoarjo. Subscribe parking is regulated in Sidoarjo District Regulation No. 2 of 2012 on the Implementation of parking in Sidoarjo (Gazette Sidoarjo District No. 1 of 2012 Series C) and Sidoarjo Regent Regulation No. 35 Year 2012 on Implementation Guidelines Sidoarjo Regency Regulation No. 2 of 2012 About Operation Parking in Sidoarjo.

In Local Revenue increase, there is also a strategy used by the Government. One strategy is the creation of policy. This strategy is the delivery of multiple taxes and levies which are still held by the central region while taking into account economic efficiency, as well as the object of the tax stabilization and distribution

¹ Strategi Meningkatkan Pendapatan Asli Daerah, <http://www.majalahpendidikan.com/>, diakses tanggal 18-03-2013

functions of the tax itself. With this there are local taxes and levies in accordance with the policies of each region.

In terms of parking enforcement in Sidoarjo, there are many who feel that with the subscription parking is still not effective in its application. This opinion appears naturally in the field with the fact that there are still illegal charges against the vehicle when parked.

One cause of this is the lack of supervision and control over the operation of parking. Though it's pretty obvious as contained in article 31 of Sidoarjo District Regulation No. 2 of 2012 that *"supervision and control of the implementation of the provisions of this Local Rule is technically and operationally assigned to the Head of the Department of Transportation of Sidoarjo Regency"*. In this case the definition of supervision and control is not described in detail. This is still being discussed by many parties. Supervision and control in what form is still not explained. Besides the technical conditions on the ground are also likely no one is watching and controlling if there is deliberate fraud.

These conditions should be eliminated because of Sidoarjo District is one of the buffer capital city of East Java province, experiencing rapid development. This success was achieved because of the potential that exists in the region such as industry and trade, tourism, and small and medium enterprises can be packed well and focused. With the various potential regions and the support of adequate human resources, hence the development of Sidoarjo Regency to become one of the strategic areas for the development of the regional economy.

Based on the background above, the writer wants to know more than the implementation of the Local regulations related to the supervision and control of the implementation of parking in Sidoarjo and find out the factors that become an obstacle in its implementation. This study will be conducted using the method of empirical research juridical view of the fact that the enactment of laws and regulations and their implementation in the field. Therefore here the author raised the title **"Implementation of Article 31 of Local Regulation No. 2 of 2012 of Sidoarjo Regency Regarding the Implementation Monitoring and Control of Operation Parking In of Sidoarjo Regency"**.

B. Legal Issues

1. Why Article 31 Local Regulation No. 2 of 2012 of Sidoarjo Regency administration regarding the supervision and control of parking in Sidoarjo can not be enforced as it should?
2. Factors what a barrier in the implementation of the supervision and control of the implementation of parking in Sidoarjo and how the efforts of completion?

C. Research Methods

Research Types

This research is an empirical study with a type of juridical legal research is focused on the rule of law or enactment of legislation in society.

Data Sources

1. Primary Data

Primary data is empirical data obtained directly from the data source, and not from the results of other people's data. The primary data used in this study are from interviews and observations.

2. Secondary Data

Secondary data is data supporting primary data. These data were obtained from several books, legislation, undergraduate thesis co Faculty of Law Brawijaya University which has been completed. In addition, from an article on the internet.

Population dan Sample

1. Population

The population is a group of people, events, or objects that made the object of research². The population in this study is the parties that are directly related to the supervision and control in the administration of parking, which includes:

- a. Sidoarjo District Department of Transportation;
- b. Parking attendants in Sidoarjo;
- c. Sidoarjo Regency society.

2. Samples

The sample is part of a population that is expected to represent the population in the study. According **Kartini** sample is a sample, representan or representative of

² Arikunto, *Prosedur Penelitian Suatu Pendekatan Praktek*, Rieneka Cipta, Jakarta, 1988. Hal 16

a population large enough numbers, that is one part of the overall dar selected, and the representative nature of the whole.³ The sample used in this study is the use accidental sampling technique. Accidental sampling technique is based on a sample of a population is, the reason for the ease of getting data, regardless of the degree of representative.⁴ For the amount sampled at least 20 to 30 percent of the amount present in a region and also of course be adapted to many whether or not the population in a region. The determination is based on a sample of respondents who have authority or are associated with the title of the study, including:

- a. Society of Sidoarjo district parking lot users;
- b. Parking attendants in Sidoarjo.

Data Collection Techniques

In this study, the data collection techniques used were as follows:

1. Interview

Data collection techniques or techniques interview is a way to get information or data from respondents by means of direct interview. This interview was conducted by asking several questions relating to the subject matter covered. This is done to support the subsequent data analysis.

2. Observations

The collection of data by means of observation is to observe the source data into objects or as supporting research. The purpose of this research by observation is to create a description for the behavior of a data object.

3. Study literature

In this study, the authors collected data by conducting a study of secondary literature and the sources that correlated with the research. This study is intended to obtain a useful theoretical basis to support the research analysis.

Data Analysis Techniques

Data analysis techniques used in this research is using descriptive analysis. This descriptive analysis techniques aim to criticize the weaknesses of quantitative research (which is too positivism), and aims to describe, summarize a wide range of conditions, situations or various phenomena of social realities that exist in the

³ Jusuf Soewadji, MA, *Pengantar Metodologi Penelitian*, Mitra Wacana Media, Jakarta, 2012. Hal. 131

⁴ Ibid., Hal. 140

community that the object of research and trying to pull it to the surface of reality as a characteristic , character, nature, or description of the model condition, situation or certain phenomena.⁵

D. Result And Discussion

Sidoarjo district as one of the buffer capital city of East Java Province is an area that is undergoing rapid development. This success was achieved because of the potential that exists in the region such as industry and trade, tourism, and small and medium enterprises can be packed well and focused. With the various potential regions and the support of adequate human resources, hence the development Sidoarjo district to become one of the strategic areas for the development of the regional economy.

1. Implementation of parking in Sidoarjo According to Law Enforcement and Public Service

Implementation of parking in Sidoarjo there are still deficiencies in its implementation if it refers to the implementation of the enforcement of regional regulation and supervision and control of public services. For the the implementation of good regional regulation enforcement are factors that could be positive or negative depending on the implementation. These factors are factors own law, law enforcement factor, factor means or support facilities, community factors, and cultural factors.

In addition to the above five factors, implementation of parking should also refer to the supervision and control of public services due to the implementation of this parking deal directly with the public. There are also the principles of the public service and the most appropriate to serve as the foundation is the principle of transparency, the principle of participation, and also the principle of equal rights. The principle of transparency that is open, easy and accessible to all parties, provided that adequate and easy to understand. When this principle is applied then the public will know what to expect from the Government of regional regulations have been established.

⁵ Teknik Analisis Deskriptif dan kawan, <http://ferigramesa.blogspot.com/2013/07/teknik-analisa-deskriptif-dan-kawan.html>, diakses tanggal 26-11-2013

The principle of participation encourages community participation in public service delivery, especially the implementation of parking with the aspirations, needs, and expectations of society. With these conditions, the government can figure out what is needed by the community, filling the gap and can carry out the operation of the parking to the fullest. Furthermore, the principle of equal rights is non-discriminatory in performing public service in the sense of not distinguishing ethnicity, race, religion, class, gender, and economic status.

Less than optimal service excellence to the community parking lot service users in Sidoarjo and unprofessional in the handling of parking as well as parking attendants, it is deemed that the rules need to be made to improve services to the users of parking lot services to the fullest. In the operation of parking lot in Sidoarjo, the Department of Transportation is a government institution in charge of the organization of the Department of Transportation parking lot especially Sidoarjo district through UPT Parking. Along with the breadth of Sidoarjo district and there are a lot of parking lot spots, it is not balanced by the number of parking attendants and parking lot supervisor. This can be seen in the following table.

Table 4.1

Total Point Of Parking Area In Sidoarjo

NO.	REGION	TOTAL POINT OF PARKING LOT	TOTAL PARKING ATTENDANTS	TOTAL SUPERVISORS
1	Sidoarjo	134	228	51
2	Taman	40	121	19
3	Krian	68	102	18
4	Porong	37	79	18
	TOTAL	279	530	106

Sources: Secondary data, processed (Sidoarjo District Department of Transportation, 2014)

Operation of parking services performed by local government conducted by the government agency in charge, which includes public roadside parking, parking at a special parking spot, and parking is incidental. Operation of parking services performed by society, private, state / local enterprises must meet requirements such as having its own land it manages in the region, has issued a parking permit

implementation of Regents, and the implementation of the activities reported periodically to the agency parking charge. Special parking for implementation in hospitals conducted by the Hospital District of Sidoarjo.

Utilization of parking services implemented by the local government retribution collected. Parking fee collection services performed directly and on a subscription basis. This has been set out in Article 3 Local Rule of Sidoarjo District No. 2 of 2012 on the Implementation of Parking Services in Sidoarjo.

2. Barrier factor to the Implementation and Completion Efforts Supervision and Control of Parking

As an important part of traffic management, especially concerning parking is supervision, supervision is a matter that should be implemented strictly and continuously carried out, because if actions against violators is not done, the offense will be repeated by the people because they do not get a penalty against their offenses.

Lack of support from some regional work units as one example as described by the Head of the Administrative Unit Department of Transportation Parking Sidoarjo. This lack of support may be providing illegal parking or parking ticket illegal withdrawal in Government offices in Sidoarjo.

Illegal parking is a major cause of congestion chaos and even accidents, both for the vehicle itself as well as for pedestrians. It will also pose a special problem in case of an emergency, such as the fire brigade vehicles, ambulances or other special purpose vehicles. Control and enforcement is generally a local issue and should be arranged by the local government administration through some type of parking management organization.

Parking control activities include monitoring and evaluation of policy implementation traffic. This activity is intended to determine the effectiveness of these policies to support the achievement of predetermined service levels. Included in the monitoring activities, among others, the number of violations and corrective actions that have been done for these violations included in the assessment include the following determination of assessment criteria, service level analysis, violations analysis and suggestions for improvement.

The number of staff parking Sidoarjo Department of Transportation is currently only 6 people, while for 1 supervisor assigned to oversee approximately 8-10 parking attendants in Sidoarjo. Along with unequal number of supervisors and parking attendants, many supervisors who only perform tasks with no maximum. They just sit or shelter in place without regard to parking attendants on duty.⁶

In solving the problems of supervision and control of parking, the Department of Transportation as a related institutions has made several efforts in solving. Some of these efforts are as follows.⁷

- a. Carried out socialization to the public through electronic media (radio), print and banners at strategic places and socializing in mobiling;
- b. Signs placement instructions on subscribing to the parking location and parking markings painted on location / parking spot;
- c. Installation of Suggestion Parking Signs;
- d. Installation of parking posts (currently 5 points in the city);
- e. To provide guidance and insight to jukir;
- f. Increasing surveillance of parking attendants to recruit Supervisory Officers parking;
- g. Monitor and follow up on public complaints and provide tough sanctions in the form of termination of employment.

E. Conclusion

Based on the results and the discussion above it can be concluded as follows:

1. Supervision and control of parking in Sidoarjo still can not be enforced properly due to some of the following:
 - a. Lack of human resources (HR) officer of the Department of Transportation supervisor Sidoarjo.
 - b. The total area of Sidoarjo are not proportional to the number of supervisors.
 - c. Support facilities for supervisory supervision is heading very less.
 - d. Not comprehensive to all points in Sidoarjo just focused parking in downtown.

⁶ Hasil Pengamatan di Daerah Jalan Gajah Mada Sidoarjo, 30-01-2014

⁷ Paparan Lengkap Parkir oleh Dinas Perhubungan Kabupaten Sidoarjo

2. There are several inhibiting factors that led to the implementation of the parking is not going according to what is desired. Several inhibiting factors are as follows:
 - a. Still illegal levies by jukir rogue parking attendants because salaries are low below the local minimum wage of Sidoarjo.
 - b. Still the skipper or parking broker and can not be disciplined as a whole.
 - c. With social factors are still giving money to the parking attendants because already familiar and feel sorry when parking attendants are old.

F. Suggestion

From some of the above conclusions, the authors give some suggestions in terms of supervision and control of parking in Sidoarjo is as follows:

1. Transportation Agency as the implementing organization of Sidoarjo district parking lot need to make improvements in the supervision and control of parking in Sidoarjo, especially in the service during the public complained. It is expected that the Department of Transportation as a representative of the Government in the implementation of Sidoarjo district parking administration to complete the following:
 - a. Recruiting supervisors that the number of supervisors and area balance.
 - b. Building a supervisory officer heading across parking spot that is in Sidoarjo, not just focused on the center of the city, given the fairly wide area of Sidoarjo is not impossible if in a rural area Sidoarjo that there is no post to supervisors fraud by parking attendants or even supervisors themselves.
2. To attempt to minimize the inhibiting factors that occurred in the parking of supervision and control, as the organizer of the Department of Transportation is expected to complete the following:
 - a. Take stern action against on mischievous parking attendants.
 - b. To evaluate the recruitment of parking attendants.
 - c. Reviewing the salaries of the parking attendants.
 - d. Provide supervision and more stringent checks on officers and parking attendants often held official guidance for the implementation of parking as expected.
 - e. Sidoarjo district Department of Transportation also took Governmental Organization (NGO) or other organizations that can and appropriate for

parking supervision. It is also so that people know how to supervision the process and what action was taken for anyone who violate the regulations.

- f. Often to disseminate to every village / village that aims to support the implementation of public enthusiasm and organization of parking, especially in terms of supervision and controlling parking.